

1 Mark S. O'Connor (011029) – mark.oconnor@beusgilbert.com
Beus Gilbert McGroder PLLC
2 701 N. 44th Street
Phoenix, Arizona 85008
3 480-429-3019
Co-Lead and Liaison Counsel to Common Benefit Fee and Cost Committee

4 Howard Nations – nations@howardnations.com
5 (TX 14823000; admitted *pro hac vice*)
The Nations Law Firm
6 9703 Richmond, Suite 200
Houston, Texas 77042
7 713-807-8400
Co-Chair Common Benefit Fee and Cost Committee

8 Wendy Fleishman – wfleishman@lhcb.com
9 (NY 2500429; admitted *pro hac vice*)
Lieff Cabraser Heimann & Bernstein
10 250 Hudson Street, 8th Floor
New York, NY 10013
11 212-355-9500
Co-Chair Common Benefit Fee and Cost Committee

12
13 **IN THE UNITED STATES DISTRICT COURT**
14 **FOR THE DISTRICT OF ARIZONA**

15 IN RE: Bard IVC Filters Products Liability
16 Litigation

No. MDL 15-02641-PHX-DGC

**SUPPLEMENTAL CITATION OF
AUTHORITY RE LAW OFFICES OF
BEN C. MARTIN AND MARTIN
BAUGHMAN'S MOTION TO
REDUCE AND EXEMPT CLIENT
RECOVERIES FROM COMMON
BENEFIT FEE AND EXPENSE
ASSESSMENT AND MEMORANDUM
OF LAW IN SUPPORT**

(Sealed; Ex Parte)

22
23 The *In re Bard IVC Filters Products Liability Litigation* Common Benefit Fees and
24 Costs Committee ("Committee") advises the Court of supplemental authority applicable to
25 the Motion of Law Offices of Ben C. Martin and Martin Baughman to Reduce and Exempt
26 Client Recoveries from Common Benefit Fee and Expense Assessment and Memorandum
27 of Law in Support [Doc. 22144] ("Motion").
28

1 On May 9, 2022, Judge Polster issued an Ongoing Common Benefit Order in *In re:*
2 *National Prescription Opiate Litigation*, Case No. 1:17-md-2804, N.D. Ohio, attached as
3 Exhibit A. The order relates to the ability of an MDL judge to assess different classes of
4 claimants and plaintiffs when common benefit work product is used, and is relevant to
5 the arguments made at pages 7-9 of the Motion.

6 RESPECTFULLY SUBMITTED this 19th day of May, 2022.

7 BEUS GILBERT MCGRODER PLLC

8
9 By: /s/ Mark S. O'Connor

10 Mark S. O'Connor

11 701 N. 44th Street

12 Phoenix, Arizona 85008

13 *Co-Lead Counsel for Plaintiffs/Liaison Counsel*
to the Common Benefit Fee and Cost Committee

14 THE NATIONS LAW FIRM

15 Howard Nations (TX Bar No. 14823000)

16 (admitted *pro hac vice*)

17 9703 Richmond, Suite 200

18 Houston, Texas 77042

19 713-807-8400

20 *Co-Chair, Common Benefit Fee and Cost*
Committee

21 LIEFF CABRASER HEIMANN &
22 BERNSTIEN

23 Wendy Fleishman (NY Bar No. 2500429)

24 (admitted *pro hac vice*)

25 250 Hudson Street, 8th Floor

26 New York, NY 10013

27 212-355-9500

28 *Co-Chair, Common Benefit Fee and Cost*
Committee

CERTIFICATE OF SERVICE

I hereby certify that on May 19, 2022, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing. Additionally, a copy of the foregoing was emailed on the same date to:

Ben C. Martin, Esq.
Martin Baughman
3141 Hood Street, Level 6
Dallas, Texas 75219
BMartin@martinbaughman.com

/s/ Jessica Gallentine

8812316v1/26997-0001